## UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

U.S. SECURITIES AND EXCHANGE COMMISSION.

15 Civ. 7045 (RMB)

Plaintiff.

ECF Case

v.

ROSS B. SHAPIRO, MICHAEL A. GRAMINS, and TYLER G. PETERS,

Defendants. :

## DECLARATION OF RUA M. KELLY, ESQ. IN SUPPORT OF PLAINTIFF SECURITIES AND EXCHANGE COMMISSION'S OPPOSITION TO DEFENDANT TYLER PETERS' MOTION TO DISMISS THE COMPLAINT

I, Rua M. Kelly, Esq., an attorney admitted to appear pro hac vice before the United States District Court of the Southern District of New York, declare under penalty of perjury, pursuant to 28 U.S.C. Section 1746, that the following is true and correct:

- (1) I have been employed by the Securities & Exchange Commission (the "Commission") in the Boston Regional Office since August of 2010. I have been assigned as trial counsel to this matter since in or about early 2015. I respectfully submit this Declaration in support of the Commission's Opposition to Defendant Tyler Peters' Motion to Dismiss the Complaint.
- (2) On November 4, 2015, Magistrate Judge James C. Francis IV entered a case management plan governing discovery in this civil action. Among other things, the

case management plan required that initial disclosures be exchanged by the parties on January 29, 2016, and that all document discovery be completed by May 20, 2016.

(3) Attached hereto as Exhibit A is a true and correct copy of a letter dated February 2, 2016 that was sent by the Commission to defense counsel of record in this case, shortly after (and in relation to) the initial disclosures made by the Commission. This document has been redacted to retain the anonymity of non-parties to this action.

Dated: November 28, 2017 Boston, Massachusetts

> By: <u>/s/ Rua M. Kelly</u> Rua M. Kelly

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